

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FREEDOM WIRELESS, INC.,

vs.

ALLTEL CORP. ET AL.

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CASE NO. 2:06-CV-504-TJW-CE

**ORDER**

Before the Court are various non-dispositive motions. The Court held oral arguments on the motions on December 9, 2008. The Court's rulings on the various motions are detailed herein.

- (1.) Dkt. No. 247 Sealed Motion to Compel Defendant Comverse, Inc. to Provide Discovery Regarding Sales to Foreign Customers

The Court grants the motion to the extent that the documents listed on pages 12 and 13 of Freedom Wireless' brief are to be disclosed.

- (2.) Dkt. No. 250 Motion for Protective Order

The Court grants the motion and adopts Cricket's proposed Protective Order.

- (3.) Dkt. No. 254 Sealed Motion to Compel Discovery from Discovery from Defendant Cricket Communications, Inc.

The Court grants the motion with respect to documents prior to the discharge date. The balance of the motion is denied as moot per abandonment by the movant.

- (4.) Dkt. No. 260 Sealed Motion to Compel Compliance with the Protective Order Entered by the Court

The Court denies the motion as moot per disposition of previous motions.

- (5.) Dkt. No. 277 Sealed Motion (Motion for Leave to Amend Infringement Contentions With Respect to Defendants Alltel Corporation, Alltel Communications, Inc., and Comverse, Inc.)

The Court denies the motion as moot per agreement by the parties.

- (6.) Dkt. No. 313 Motion for Relief Regarding Deposition of Douglas V. Fougnes

The Court denies the motion as moot per agreement by the parties.

- (7.) Dkt. No. 357 Motion for More Definite Statement; Comverse, Inc.'s Motion for Clarification of the Court's October 17, 2008 Claim Construction Order

The Court carries the motion. The Court will allow the Defendants in the 2:06-CV-505 case to file a ten-page brief addressing the claims construction issue presented by the present motion. Any such brief is due by Friday, December 12, 2008. The Court will subsequently allow Freedom Wireless an opportunity to respond to any responsive brief filed by Monday, December 15, 2008.

- (8.) Dkt. No. 359 Sealed Patent Motion for Leave to Amend Infringement Contentions with Respect to Cricket Communications, Inc. and Opposition to Cricket Communications, Inc.'s Motion to Strike Freedom Wireless' Supplemental Infringement Contentions

The Court grants the motion for leave and denies the motion to strike.

- (9.) Dkt. No. 425 Sealed Motion / Comverse and Alltel's Daubert Motion and Motion To Strike Portions of Expert Report of Plaintiff's Designated Damages Expert, Russell Parr by Comverse, Inc..

With respect to the financial information, the Court will allow the showing of all financial information to counsels of record and independent experts for each case (2:06-CV-504 and 2:06-CV-505) under "ATTORNEY'S EYES ONLY" designation. The Court denies the motion to strike without prejudice as to the *Daubert* arguments.

- (10.) Dkt. No. 439 Emergency Sealed Motion for Clarification of Protective Order by Freedom Wireless, Inc..

The Court denies the motion as moot.

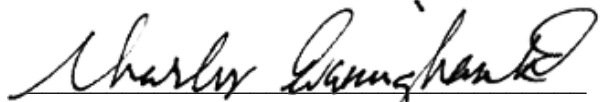
- (11.) Dkt. No. 443 Motion for Protective Order by Freedom Wireless, Inc.

The Court grants-in-part and denies-in-part the motion. The Court grants the motion to the extent that the deposition is limited to facts obtained prior to the time Mr. Harding was hired as a consulting expert. The Defendants cannot inquire as to facts Mr. Harding may have learned or communicated to Freedom Wireless while acting as a consulting expert. Finally, the Defendants cannot inquire of Mr. Harding as to any of the mental impressions of attorneys or clients he may have learned while acting as a consulting expert. The Court denies the balance of the motion.

(12.) Dkt. No. 450 Sealed Motion / Comverse, Inc.'s Motion to Compel Production of the "Licensing Document"

The Court carries the motion; Freedom Wireless is ordered to file a response by Friday, December 12, 2008.

SIGNED this 10th day of December, 2008.

  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE